

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN SECTION

HELDER PEIXOTO, )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 EQUIFAX CREDIT REPORTING )  
 AGENCY, TOM CHAPMAN, )  
 )  
 Defendants )

Case No. 04-CV-10435 (JLT)

**MEMORANDUM OF REASONS IN SUPPORT OF  
DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S  
MOTION TO CONSOLIDATE**

Defendants Equifax Information Services, Inc. ("Equifax"), Experian Information Solutions, Inc. ("Experian") and Trans Union LLC ("Trans Union") respectfully submit this Memorandum of Reasons in support of their respective Motions for Consolidation pursuant to Rule 42 of the Federal Rules of Civil Procedure.

**I.**

**STATEMENT OF FACTS**

Plaintiff Helder Peixoto has sued three credit reporting agencies, Equifax, Experian and Trans Union, and their respective Chief Executive Officers, in three separate cases: (1) Peixoto v. Equifax Credit Reporting Agency, 1:04-cv-10435 (JLT) (the "Equifax action"); (2) Peixoto v. Experian, 1:04-cv-10436 (JLT) (the "Experian action"); and (3) Peixoto v. Transunion LLC, 1:04-cv-10437 (JLT) (the "Trans Union action").

In each of the three actions, Plaintiff has filed virtually identical complaints alleging causes of action under the Fair Credit Reporting Act and Massachusetts law. (See Complaint in Experian Action, attached as Exhibit A; Complaint in Equifax Action, attached as Exhibit B; and Complaint in Trans Union Action, attached as Exhibit C.) The crux of each Complaint is that the respective credit reporting agency defendants reported incorrect creditor and inquiry information on Plaintiff's respective credit reports. (See Experian Comp., p. 4-8; Equifax Comp., p. 4-8; Trans Union Comp., p. 3-8). In fact, Plaintiff asserts that each of the Defendant credit reporting agencies reported identical or virtually identical information. (Id.) Plaintiff asserts that he attempted to have this information removed from his credit reports but each of the respective defendants failed to do so. (Id.) Additionally, plaintiff makes a conclusory allegation that the CEOs of each consumer reporting agency were "responsible and liable" for unidentified

procedures. He further generally alleges that the consumer reporting agencies reported allegedly inaccurate credit information. (Id.)

While it is true that Plaintiff named a different individual employee in each action, the claims against each are focused on the reporting of the exact same allegedly inaccurate credit information in each matter. (Id.) Thus, although there are different individual employees the focus of this matter will remain on the allegedly inaccurate credit information reported by each credit reporting agency.

## II.

### ARGUMENT

Federal Rule of Civil Procedure 42 states:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delays.

Fed. R. Civ. P. 42. Other courts have consolidated actions in which violations of the Fair Credit Reporting Act are alleged. See Russell v. Chrysler Financial Corp., No. 99-1849, 2000 WL 572015, at \*1 (6th Cir. May 5, 2000) (noting that district court consolidated two lawsuits involving Fair Credit Reporting Act) (attached as Exhibit D); Lecompte v. Credit Bureau of Baton Rouge, Nos. CIV. A. 95-2019, CIV. A. 95-2023, CIV. A. 95-2024, 1996 WL 255923, at \*1 (E.D. La. May 13, 1996) (indicating that three lawsuits against credit reporting agencies were consolidated) (attached as Exhibit E).

As stated above, each of three actions involve common questions of law and fact and are properly subject to consolidation. Furthermore, as the discovery in each case will be identical, consolidation of the three actions will prevent unnecessary costs and delay to both Plaintiff and

each of the defendants. Indeed, the Court scheduled each of the three actions to have their Initial Scheduling Conferences at the same time.

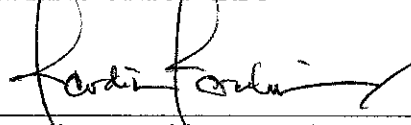
III.

CONCLUSION

Pursuant to the foregoing, Defendant Experian respectfully requests that the Court grant its Motion to Consolidate.

Dated: Boston, Massachusetts  
June 21, 2004

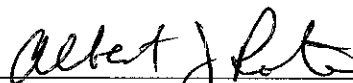
TRANS UNION LLC



Mardic Marashian, Esq. (BBO#548607)  
BONIN & MARASHIAN  
77 Franklin Street, 4th Floor  
Boston, Massachusetts 02110  
Tel: (617) 723-2525

Dated: New York, New York  
June 22, 2004

EXPERIAN INFORMATION SOLUTIONS,  
INC.



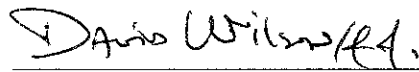
Albert J. Rota, Esq., *pro hac vice*  
JONES DAY  
222 E. 41st Street  
New York, New York 10017  
Tel: (212) 326-3958  
Fax: (212) 755-7306

- and -

Robert S. White (BBO#552229)  
Bourgeois, Dresser, White & Beard  
4 Dix Street  
Worcester, MA 01609  
Telephone: 508-798-8801  
Fax: 508-754-1943

Dated: Boston, Massachusetts  
June 24, 2004

EQUIFAX INFORMATION SERVICES, LLC

A handwritten signature in black ink, appearing to read "David B. Wilson".

David B. Wilson, Esq. (BBO# 548359)  
ROBINSON & COLE  
One Boston Place  
Boston, Massachusetts 02108-4404  
Tel: (617) 557-5900

**Local Rule 7.1 Certification**

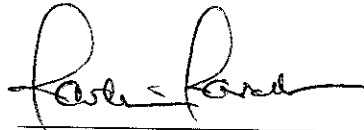
Pursuant to Local Rule 7.1(A)(2), I hereby certify that I conferred with Plaintiff Helder Peixoto via telephone messages exchanged on June 17 & 18, 2004 in a good faith effort to narrow areas of dispute related to this motion.

  
\_\_\_\_\_  
Albert J. Rota, Esq.

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was mailed, first-class mail, postage prepaid, on this 24th day of June, 2004, to:

Helder Peixoto  
161 Webster Avenue  
Cambridge, Massachusetts 02141  
*Plaintiff Pro Se*

  
\_\_\_\_\_  
Mardic Marashian